

## 1999 DRAFTING REQUEST

### Senate Amendment (SA-AB796)

Received: **03/21/2000**

Received By: **kuesejt**

Wanted: **Today**

Identical to LRB:

For: **Gary George (608) 266-2500**

By/Representing: **Dan Rossmiller**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Agriculture - state fair**

Extra Copies: **RCT - 1**  
**Ron Sklansky - LCS - (e mail)**

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#### Pre Topic:

No specific pre topic given

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#### Topic:

SA to AB-796

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#### Instructions:

Per LRBa1919/1, but apply to private entities constructing facilities on the grounds of the state fair park.

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#### Drafting History:

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Page 2

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1999 - 2000 LEGISLATURE

91929/11  
LRBa1919/1

JTK:cjs:kjf

*Wanted Wed 3/22-8:30mm*

**SENATE AMENDMENT,  
TO 1999 ASSEMBLY BILL 796**

1 At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3 ~~1.~~ Page 3, line 5: after that line insert:

4 "SECTION 4m. 13.48 (29) of the statutes is amended to read:

5 13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m)  
6 and (10n), the building commission may prescribe simplified policies and procedures  
7 to be used in lieu of the procedures provided in s. 16.855 for any project the estimated  
8 construction cost of which does not exceed \$100,000."

9 ~~2.~~ Page 4, line 24: before that line insert:

10 "SECTION 10s. 16.75 (3m) (c) 4. and 5. of the statutes are amended to read:

11 16.75 (3m) (c) 4. The department shall annually prepare and submit a report  
12 to the governor and to the chief clerk of each house of the legislature, for distribution  
13 to the appropriate standing committees under s. 13.172 (3), on the total amount of

1 money paid to and of indebtedness or other obligations underwritten by minority  
2 businesses, minority financial advisers and minority investment firms under the  
3 requirements of this subsection and ss. 16.855 (10m) and (10n), 16.87 (2), 25.185,  
4 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance  
5 with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185 <sup>42.09 (3)</sup> and 84.075 (1).

6 5. In determining whether a purchase, contract or subcontract complies with  
7 the goal established under par. (b) or s. 16.855 (10m) and (10n), 16.87 (2) <sup>or 42.09 (3)</sup> ~~or 25.185~~  
8 the department shall include only amounts paid to minority businesses, minority <sup>underscored comma</sup>  
9 financial advisers and minority investment firms certified by the department of  
10 commerce under s. 560.036 (2).".

11 ~~3.~~ Page 5, line 24: after that line insert:

12 "SECTION 13d. 16.855 (10m) (a) and (c) of the statutes are amended to read:

13 16.855 (10m) (a) ~~In~~ Except as provided in sub. (10n), in awarding construction  
14 contracts the department shall attempt to ensure that 5% of the total amount  
15 expended in each fiscal year is awarded to contractors and subcontractors which are  
16 minority businesses, as defined under s. 16.75 (3m) (a). The department may award  
17 any contract to a minority business that submits a qualified responsible bid that is  
18 no more than 5% higher than the apparent low bid.

19 (c) The department shall maintain and annually publish data on contracts  
20 awarded to minority businesses under this subsection and sub. (10n) and ss. 16.87  
21 ~~and~~ <sup>42.09 (3) and</sup> 84.075.

22 SECTION 13h. 16.855 (10n) of the statutes is created to read:

23 <sup>strike through</sup> 16.855 (10n) (a) In this subsection:

24 1. "Minority business" has the meaning given in s. 560.036 (1) (e).

1           2. “Minority group member” has the meaning given in s. 560.036 (1) (f).

2           3. “Women’s business” means a sole proprietorship, partnership, joint venture  
3 or corporation that is at least 51% owned, controlled and actively managed by  
4 women.

5           (b) The department shall ensure that, for construction work and professional  
6 services contracts to be performed for the state fair park board, a person who is  
7 awarded such a contract shall agree, as a condition to receiving the contract, that his  
8 or her goal shall be to ensure that at least 25% of the employees hired because of the  
9 contract will be minority group members and at least 5% of the employees hired  
10 because of the contract will be women.

11           (c) It shall be a goal of the department to ensure that at least 25% of the  
12 aggregate dollar value of contracts awarded by the department in the following areas  
13 shall be awarded to minority businesses and at least 5% of the aggregate dollar value  
14 of contracts awarded by the department in the following areas shall be awarded to  
15 women’s businesses:

16           1. Contracts for the construction of state fair park facilities.

17           2. Contracts for professional services related to the construction of state fair  
18 park facilities.

19           3. Contracts for the development of state fair park facilities.

20           (d) It shall be a goal of the department, with regard to each of the contracts  
21 described under par. (c) 1. to 3., to award at least 25% of the dollar value of such  
22 contracts to minority businesses and at least 5% of the dollar value of such contracts  
23 to women’s businesses.

24           (e) 1. The department shall ensure that, for construction work and professional  
25 services contracts, a person who is awarded such a contract by the department shall

1 agree, as a condition to receiving the contract, that if he or she is unable to meet the  
2 goal under par. (b), he or she shall make a good faith effort to contract with the  
3 technical college district board of the technical college district in which the facilities  
4 are to be constructed or the professional services contract is to be performed, to  
5 develop appropriate training programs designed to increase the pool of minority  
6 group members and women who are qualified to perform the construction work or  
7 professional services.

8 2. If the department is unable to meet the goals under pars. (c) and (d), the  
9 department shall make a good faith effort to contract with the technical college  
10 district board of the technical college district in which the contracts described under  
11 par. (c) 1. to 3. are to be performed, to develop appropriate training programs  
12 designed to increase the pool of minority group members and women who are  
13 qualified to perform the contracts described under par. (c) 1. to 3.

14 (f) 1. The department shall hire an independent person to monitor the  
15 compliance of the department *and state fairpark board* with minority contracting goals under pars. (b) to (d) *and*  
16 The person hired shall have previous experience working with minority group *S. 42.09*  
17 members. The department shall prescribe a mechanism to receive regular reports *(3)*  
18 from the person hired with respect to the results of the person's studies of compliance  
19 with minority contracting goals.

20 2. If the department or a contractor is unable to meet the goals under par. (b),  
21 (c) or (d), the person hired under subd. 1. shall assess whether the department or  
22 contractor made a good faith effort to reach the goals. In determining whether a good  
23 faith effort was made to meet the goals, the person hired shall consider all of the  
24 following:

1           a. The supply of eligible minority businesses and women's businesses that have  
2           the financial capacity, technical capacity and previous experience in the areas in  
3           which contracts were awarded.

4           b. The competing demands for the services provided by eligible minority  
5           businesses and women's businesses, as described in subd. 2. a., in areas in which  
6           contracts were awarded.

7           c. The extent to which the department or contractors advertised for and  
8           aggressively solicited bids from eligible minority businesses and women's  
9           businesses, as described in subd. 2. a., and the extent to which eligible minority  
10          businesses and women's businesses submitted bids.

11          **SECTION 13p.** 16.855 (22) of the statutes is amended to read:

12          16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (10n),  
13          do not apply to construction work for any project the estimated construction cost of  
14          which does not exceed \$100,000 if the project is constructed in accordance with  
15          policies and procedures prescribed by the building commission under s. 13.48 (29).  
16          If the estimated construction cost of any project is at least \$30,000, and the building  
17          commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct  
18          the project, the department shall provide adequate public notice of the project and  
19          the procedures to be utilized to construct the project on a publicly accessible  
20          computer site.

21          **SECTION 13t.** 16.87 (2) of the statutes is amended to read:

22          16.87 (2) A contract for engineering services or architectural services or a  
23          contract involving an expenditure of \$2,500 or more for construction work, or \$20,000  
24          or more for limited trades work, to be done for or furnished to the state or a  
25          department, board, commission or officer of the state is exempt from the

requirements of ss. 16.705 and 16.75. The Except as provided in s. 16.855 (10n), the  
 department shall attempt to ensure that 5% of the total amount expended ~~under this~~  
~~section for these purposes~~ in each fiscal year is paid to minority businesses, as  
 defined under s. 16.75 (3m) (a).".

*PWS*  
*6-4*  
 5 ~~1~~ Page 8, line 7: after that line insert:

6 "SECTION 25g. 560.036 (2) (a) of the statutes is amended to read:

7 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87  
 8 (2), 18.16, 18.64, 18.77, 25.185, 42.09 (3), 66.911, 119.495 (2), 231.27 and 234.35, the  
 9 department shall establish and periodically update a list of certified minority  
 10 businesses, minority financial advisers and minority investment firms. Any  
 11 business, financial adviser or investment firm may apply to the department for  
 12 certification. For purposes of this paragraph, unless the context otherwise requires,  
 13 a "business" includes a financial adviser or investment firm.

14 SECTION 25r. 560.036 (2) (d) 1. b. of the statutes is amended to read:

15 560.036 (2) (d) 1. b. The department determines that, with respect to a specified  
 16 type of supply, material, equipment or service, there are not enough certified  
 17 minority business suppliers in this state to enable this state to achieve compliance  
 18 with ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87 (2) and 25.185". and 42.09 (3)

19 ~~1~~ Page 9, line 9: after that line insert:

20 "SECTION 26m. Initial applicability.

21 (1q) The treatment of sections 13.48 (29), 16.75 (3m) (c) 4. and 5., 16.855 (10m)  
 22 (a) and (c), (10n) and (22), 16.87 (2) 42.09 (3) (b) to (e) and 560.036 (2) (a) and (d) 1. b. of the statutes

*underscored  
comma*

- 1 first applies with respect to contracts for which bids or competitive sealed proposals
- 2 are solicited on the effective date of this subsection.”.

3 (END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa1929/lins  
JTK.....

*Reut ACC - 11/5 in Sweden*

INSERT 6-4:

- ~~1.~~ Page 7, line 17: after "(3)" insert "(a)".
- ~~2.~~ Page 7, line 19: after that line insert:

"(b) The board shall require each private person entering into an agreement with the board under this subsection to agree that his or her goal shall be to ensure that at least 25% of the employees hired to perform construction work in connection with state fair park facilities or to perform professional services in connection with the construction or development of those facilities will be minority group members, as defined in s. <sup>560</sup>~~16.855~~.036 (1) (f), and that at least 5% of the employees hired to perform construction work in connection with state fair park facilities or to perform professional services in connection with the construction or development of those facilities will be women.

(c) It shall be a goal of the board to ensure that at least 25% of the aggregate dollar value of contracts awarded by private persons entering into agreements with minority businesses, as defined in s. 560.036(1)(e) and at least 5% of the aggregate dollar value of the board under this subsection in the following areas shall be awarded to women's businesses, as defined in s. 16.855 (10n) (a):

1. Contracts for the construction of state fair park facilities.

→ 2. Contracts for professional services related to the construction of state fair park facilities.

3. Contracts for the development of state fair park facilities.

(d) It shall be a goal of the board, with regard to each of the contracts described under par. (c) 1. to 3., to ensure that at least 25% of the dollar value of such contracts are awarded by private persons entering into agreements with the board under this

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the "1."  
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*contracts  
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private persons  
entering  
into  
agreements with  
the board under this  
subsection  
shall be  
awarded  
to  
in the  
following  
areas*



560

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subsection to minority businesses, as defined in s. ~~549~~ 560.036 (1) (e), and at least 5% of the dollar value of such contracts are awarded by private persons entering into agreements with the board under this subsection to women's businesses, as defined in s. 16.855 (10n) (a).

(e) The board shall require each private person entering into an agreement under this subsection to agree that if the person is unable to meet the goals specified in this subsection, the person shall make a good faith effort to contract with the technical college district board of the technical college district in which the facilities are to be constructed or the professional services are to be performed to develop appropriate training programs designed to increase the pool of minority group members and women who are qualified to perform the construction work or professional services.”.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa1929/a ✓  
JTK:cjs:krm

*wanted Wed 3/22 - 10:30 AM*

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4 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance  
5 with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185, 42.09 (3) and 84.075  
6 (1).

7 5. In determining whether a purchase, contract or subcontract complies with  
8 the goal established under par. (b) or s. 16.855 (10m) and (10n), 16.87 (2) ~~or~~ 25.185  
9 ~~or 42.09 (3)~~ the department shall include only amounts paid to minority businesses,  
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12 **3.** Page 5, line 24: after that line insert:

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17 minority businesses, as defined under s. 16.75 (3m) (a). The department may award  
18 any contract to a minority business that submits a qualified responsible bid that is  
19 no more than 5% higher than the apparent low bid.

20 (c) The department shall maintain and annually publish data on contracts  
21 awarded to minority businesses under this subsection and sub. (10n) and ss. 16.87  
22 and, 42.09 (3) and 84.075.

23 SECTION 13h. 16.855 (10n) of the statutes is created to read:

24 16.855 (10n) (a) In this subsection:

1           1. "Minority business" has the meaning given in s. 560.036 (1) (e).

2           2. "Minority group member" has the meaning given in s. 560.036 (1) (f).

3           3. "Women's business" means a sole proprietorship, partnership, joint venture  
4 or corporation that is at least 51% owned, controlled and actively managed by  
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6           (b) The department shall ensure that, for construction work and professional  
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20           3. Contracts for the development of state fair park facilities.

21           (d) It shall be a goal of the department, with regard to each of the contracts  
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23 contracts to minority businesses and at least 5% of the dollar value of such contracts  
24 to women's businesses.

1           (e) 1. The department shall ensure that, for construction work and professional  
2       services contracts, a person who is awarded such a contract by the department shall  
3       agree, as a condition to receiving the contract, that if he or she is unable to meet the  
4       goal under par. (b), he or she shall make a good faith effort to contract with the  
5       technical college district board of the technical college district in which the facilities  
6       are to be constructed or the professional services contract is to be performed, to  
7       develop appropriate training programs designed to increase the pool of minority  
8       group members and women who are qualified to perform the construction work or  
9       professional services.

10           2. If the department is unable to meet the goals under pars. (c) and (d), the  
11       department shall make a good faith effort to contract with the technical college  
12       district board of the technical college district in which the contracts described under  
13       par. (c) 1. to 3. are to be performed, to develop appropriate training programs  
14       designed to increase the pool of minority group members and women who are  
15       qualified to perform the contracts described under par. (c) 1. to 3.

16           (f) 1. The department shall hire an independent person to monitor the  
17       compliance of the department and state fair park board with minority contracting  
18       goals under pars. (b) to (d) and s. 42.09 (3). The person hired shall have previous  
19       experience working with minority group members. The department shall prescribe  
20       a mechanism to receive regular reports from the person hired with respect to the  
21       results of the person's studies of compliance with minority contracting goals.

22           2. If the department or a contractor is unable to meet the goals under par. (b),  
23       (c) or (d), the person hired under subd. 1. shall assess whether the department or  
24       contractor made a good faith effort to reach the goals. In determining whether a good

1 faith effort was made to meet the goals, the person hired shall consider all of the  
2 following:

3 a. The supply of eligible minority businesses and women's businesses that have  
4 the financial capacity, technical capacity and previous experience in the areas in  
5 which contracts were awarded.

6 b. The competing demands for the services provided by eligible minority  
7 businesses and women's businesses, as described in subd. 2. a., in areas in which  
8 contracts were awarded.

9 c. The extent to which the department or contractors advertised for and  
10 aggressively solicited bids from eligible minority businesses and women's  
11 businesses, as described in subd. 2. a., and the extent to which eligible minority  
12 businesses and women's businesses submitted bids.

13 **SECTION 13p.** 16.855 (22) of the statutes is amended to read:

14 16.855 (22) The provisions of this section, except sub. subs. (10m) and (10n),  
15 do not apply to construction work for any project the estimated construction cost of  
16 which does not exceed \$100,000 if the project is constructed in accordance with  
17 policies and procedures prescribed by the building commission under s. 13.48 (29).  
18 If the estimated construction cost of any project is at least \$30,000, and the building  
19 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct  
20 the project, the department shall provide adequate public notice of the project and  
21 the procedures to be utilized to construct the project on a publicly accessible  
22 computer site.

23 **SECTION 13t.** 16.87 (2) of the statutes is amended to read:

24 16.87 (2) A contract for engineering services or architectural services or a  
25 contract involving an expenditure of \$2,500 or more for construction work, or \$20,000

1 or more for limited trades work, to be done for or furnished to the state or a  
2 department, board, commission or officer of the state is exempt from the  
3 requirements of ss. 16.705 and 16.75. The Except as provided in s. 16.855 (10n), the  
4 department shall attempt to ensure that 5% of the total amount expended ~~under this~~  
5 ~~section for these purposes~~ in each fiscal year is paid to minority businesses, as  
6 defined under s. 16.75 (3m) (a).".

7 4. Page 7, line 17: after "(3)" insert "(a)".

8 5. Page 7, line 19: after that line insert:

9 *develop policies requiring*  
"(b) The board shall ~~require~~ each private person entering into an agreement  
10 with the board under this subsection to agree that his or her goal shall be to ensure  
11 that at least 25% of the employees hired to perform construction work in connection  
12 with state fair park facilities or to perform professional services in connection with  
13 the construction or development of those facilities will be minority group members,  
14 as defined in s. 560.036 (1) (f), and that at least 5% of the employees hired to perform  
15 construction work in connection with state fair park facilities or to perform  
16 professional services in connection with the construction or development of those  
17 facilities will be women.

18 (c) It shall be a goal of the board to ensure that at least 25% of the aggregate  
19 dollar value of contracts awarded by private persons entering into agreements with  
20 the board under this subsection in the following areas shall be awarded to minority  
21 businesses, as defined in s. 560.036 (1) (e), *↓* and at least 5% of the aggregate dollar  
22 value of contracts awarded by private persons entering into agreements with the  
23 board under this subsection in the following areas shall be awarded to women's  
24 businesses, as defined in s. 16.855 (10n) (a):

1 1. Contracts for the construction of state fair park facilities.

2 2. Contracts for professional services related to the construction of state fair  
3 park facilities.

4 3. Contracts for the development of state fair park facilities.

5 (d) It shall be a goal of the board, with regard to each of the contracts described  
6 under par. (c) 1. to 3., to ensure that at least 25% of the dollar value of such contracts  
7 are awarded by private persons entering into agreements with the board under this  
8 subsection to minority businesses, as defined in s. 560.036 (1) (e), and at least 5% of  
9 the dollar value of such contracts are awarded by private persons entering into  
10 agreements with the board under this subsection to women's businesses, as defined  
11 in s. 16.855 (10n) (a).

12 (e) The board shall <sup>develop policies requiring</sup> ~~require~~ each private person entering into an agreement  
13 under this subsection to agree that if the person is unable to meet the goals specified  
14 in this subsection, the person shall make a good faith effort to contract with the  
15 technical college district board of the technical college district in which the facilities  
16 are to be constructed or the professional services are to be performed to develop  
17 appropriate training programs designed to increase the pool of minority group  
18 members and women who are qualified to perform the construction work or  
19 professional services.”.

20 6. Page 8, line 7: after that line insert:

21 “SECTION 25g. 560.036 (2) (a) of the statutes is amended to read:

22 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87  
23 (2), 18.16, 18.64, 18.77, 25.185, 42.09 (3), 66.911, 119.495 (2), 231.27 and 234.35, the  
24 department shall establish and periodically update a list of certified minority



1 businesses, minority financial advisers and minority investment firms. Any  
2 business, financial adviser or investment firm may apply to the department for  
3 certification. For purposes of this paragraph, unless the context otherwise requires,  
4 a "business" includes a financial adviser or investment firm.

5 **SECTION 25r.** 560.036 (2) (d) 1. b. of the statutes is amended to read:

6 560.036 (2) (d) 1. b. The department determines that, with respect to a specified  
7 type of supply, material, equipment or service, there are not enough certified  
8 minority business suppliers in this state to enable this state to achieve compliance  
9 with ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87 (2) ~~and~~, 25.185 and 42.09 (3)."

10 **7.** Page 9, line 9: after that line insert:

11 **"SECTION 26m. Initial applicability.**

12 (1q) The treatment of sections 13.48 (29), 16.75 (3m) (c) 4. and 5., 16.855 (10m)  
13 (a) and (c), (10n) and (22), 16.87 (2), 42.09 (3) (b) to (e) and 560.036 (2) (a) and (d) 1.  
14 b. of the statutes first applies with respect to contracts for which bids or competitive  
15 sealed proposals are solicited on the effective date of this subsection."

16 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa1929/2 3  
JTK:cjs:km

Wanted Wed 3/22 11 AM

SENATE AMENDMENT,  
TO 1999 ASSEMBLY BILL 796

1 At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3 1. Page 3, line 5: after that line insert:

4 "SECTION 4m. 13.48 (29) of the statutes is amended to read:

5 13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m)  
6 and (10n), the building commission may prescribe simplified policies and procedures  
7 to be used in lieu of the procedures provided in s. 16.855 for any project the estimated  
8 construction cost of which does not exceed \$100,000."

9 2. Page 4, line 24: before that line insert:

10 "SECTION 10s. 16.75 (3m) (c) 4. and 5. of the statutes are amended to read:

11 16.75 (3m) (c) 4. The department shall annually prepare and submit a report  
12 to the governor and to the chief clerk of each house of the legislature, for distribution  
13 to the appropriate standing committees under s. 13.172 (3), on the total amount of

1 money paid to and of indebtedness or other obligations underwritten by minority  
2 businesses, minority financial advisers and minority investment firms under the  
3 requirements of this subsection and ss. 16.855 (10m) and (10n), 16.87 (2), 25.185,  
4 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance  
5 with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185, 42.09 (3) and 84.075  
6 (1).

7 5. In determining whether a purchase, contract or subcontract complies with  
8 the goal established under par. (b) or s. 16.855 (10m) and (10n), 16.87 (2) ~~or~~ 25.185  
9 or 42.09 (3) the department shall include only amounts paid to minority businesses,  
10 minority financial advisers and minority investment firms certified by the  
11 department of commerce under s. 560.036 (2)."

12 **3.** Page 5, line 24: after that line insert:

13 "SECTION 13d. 16.855 (10m) (a) and (c) of the statutes are amended to read:

14 16.855 (10m) (a) ~~In~~ Except as provided in sub. (10n), in awarding construction  
15 contracts the department shall attempt to ensure that 5% of the total amount  
16 expended in each fiscal year is awarded to contractors and subcontractors which are  
17 minority businesses, as defined under s. 16.75 (3m) (a). The department may award  
18 any contract to a minority business that submits a qualified responsible bid that is  
19 no more than 5% higher than the apparent low bid.

20 (c) The department shall maintain and annually publish data on contracts  
21 awarded to minority businesses under this subsection and sub. (10n) and ss. 16.87  
22 and, 42.09 (3) and 84.075.

23 SECTION 13h. 16.855 (10n) of the statutes is created to read:

24 16.855 (10n) (a) In this subsection:

1           1. "Minority business" has the meaning given in s. 560.036 (1) (e).

2           2. "Minority group member" has the meaning given in s. 560.036 (1) (f).

3           3. "Women's business" means a sole proprietorship, partnership, joint venture  
4 or corporation that is at least 51% owned, controlled and actively managed by  
5 women.

6           (b) The department shall ensure that, for construction work and professional  
7 services contracts to be performed for the state fair park board, a person who is  
8 awarded such a contract shall agree, as a condition to receiving the contract, that his  
9 or her goal shall be to ensure that at least 25% of the employees hired because of the  
10 contract will be minority group members and at least 5% of the employees hired  
11 because of the contract will be women.

12           (c) It shall be a goal of the department to ensure that at least 25% of the  
13 aggregate dollar value of contracts awarded by the department in the following areas  
14 shall be awarded to minority businesses and at least 5% of the aggregate dollar value  
15 of contracts awarded by the department in the following areas shall be awarded to  
16 women's businesses:

17           1. Contracts for the construction of state fair park facilities.

18           2. Contracts for professional services related to the construction of state fair  
19 park facilities.

20           3. Contracts for the development of state fair park facilities.

21           (d) It shall be a goal of the department, with regard to each of the contracts  
22 described under par. (c) 1. to 3., to award at least 25% of the dollar value of such  
23 contracts to minority businesses and at least 5% of the dollar value of such contracts  
24 to women's businesses.

(e) 1. The department shall ensure that, for construction work and professional services contracts, a person who is awarded such a contract by the department shall agree, as a condition to receiving the contract, that if he or she is unable to meet the goal under par. (b), he or she shall make a good faith effort to contract with the technical college district board of the technical college district in which the facilities are to be constructed or the professional services contract is to be performed, to develop appropriate training programs designed to increase the pool of minority group members and women who are qualified to perform the construction work or professional services.

2. If the department is unable to meet the goals under pars. (c) and (d), the department shall make a good faith effort to contract with the technical college district board of the technical college district in which the contracts described under par. (c) 1. to 3. are to be performed, to develop appropriate training programs designed to increase the pool of minority group members and women who are qualified to perform the contracts described under par. (c) 1. to 3.

¶ (e) 1. The department shall hire an independent person to monitor the compliance of the department and state fair park board with minority contracting goals under pars. (b) to (d) and s. 42.09 (3). The person hired shall have previous experience working with minority group members. The department shall prescribe a mechanism to receive regular reports from the person hired with respect to the results of the person's studies of compliance with minority contracting goals.

2. If the department or a contractor is unable to meet the goals under par. (b), (c) or (d), the person hired under subd. 1. shall assess whether the department or contractor made a good faith effort to reach the goals. In determining whether a good

1 faith effort was made to meet the goals, the person hired shall consider all of the  
2 following:

3 a. The supply of eligible minority businesses and women's businesses that have  
4 the financial capacity, technical capacity and previous experience in the areas in  
5 which contracts were awarded.

6 b. The competing demands for the services provided by eligible minority  
7 businesses and women's businesses, as described in subd. 2. a., in areas in which  
8 contracts were awarded.

9 c. The extent to which the department or contractors advertised for and  
10 aggressively solicited bids from eligible minority businesses and women's  
11 businesses, as described in subd. 2. a., and the extent to which eligible minority  
12 businesses and women's businesses submitted bids.

13 **SECTION 13p.** 16.855 (22) of the statutes is amended to read:

14 16.855 (22) The provisions of this section, except sub. subs. (10m) and (10n),  
15 do not apply to construction work for any project the estimated construction cost of  
16 which does not exceed \$100,000 if the project is constructed in accordance with  
17 policies and procedures prescribed by the building commission under s. 13.48 (29).  
18 If the estimated construction cost of any project is at least \$30,000, and the building  
19 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct  
20 the project, the department shall provide adequate public notice of the project and  
21 the procedures to be utilized to construct the project on a publicly accessible  
22 computer site.

23 **SECTION 13t.** 16.87 (2) of the statutes is amended to read:

24 16.87 (2) A contract for engineering services or architectural services or a  
25 contract involving an expenditure of \$2,500 or more for construction work, or \$20,000

1 or more for limited trades work, to be done for or furnished to the state or a  
2 department, board, commission or officer of the state is exempt from the  
3 requirements of ss. 16.705 and 16.75. The Except as provided in s. 16.855 (10n), the  
4 department shall attempt to ensure that 5% of the total amount expended ~~under this~~  
5 section for these purposes in each fiscal year is paid to minority businesses, as  
6 defined under s. 16.75 (3m) (a).”

7 **4.** Page 7, line 17: after “(3)” insert “(a)”.

8 **5.** Page 7, line 19: after that line insert:

9 “(b) The board shall develop policies requiring each private person entering  
10 into an agreement with the board under this subsection to agree that his or her goal  
11 shall be to ensure that at least 25% of the employees hired to perform construction  
12 work in connection with state fair park facilities or to perform professional services  
13 in connection with the construction or development of those facilities will be minority  
14 group members, as defined in s. 560.036 (1) (f), and that at least 5% of the employees  
15 hired to perform construction work in connection with state fair park facilities or to  
16 perform professional services in connection with the construction or development of  
17 those facilities will be women.

18 (c) It shall be a goal of the board to ensure that at least 25% of the aggregate  
19 dollar value of contracts awarded by private persons entering into agreements with  
20 the board under this subsection in the following areas shall be awarded to minority  
21 businesses, as defined in s. 560.036 (1) (e), and at least 5% of the aggregate dollar  
22 value of contracts awarded by private persons entering into agreements with the  
23 board under this subsection in the following areas shall be awarded to women’s  
24 businesses, as defined in s. 16.855 (10n) (a):

1 1. Contracts for the construction of state fair park facilities.

2 2. Contracts for professional services related to the construction of state fair  
3 park facilities.

4 3. Contracts for the development of state fair park facilities.

5 (d) It shall be a goal of the board, with regard to each of the contracts described  
6 under par. (c) 1. to 3., to ensure that at least 25% of the dollar value of such contracts  
7 are awarded by private persons entering into agreements with the board under this  
8 subsection to minority businesses, as defined in s. 560.036 (1) (e), and at least 5% of  
9 the dollar value of such contracts are awarded by private persons entering into  
10 agreements with the board under this subsection to women's businesses, as defined  
11 in s. 16.855 (10n) (a). <sup>N)</sup> \*

12 (e) The board shall develop policies requiring each private person entering into  
13 an agreement under this subsection to agree that if the person is unable to meet the  
14 goals specified in this subsection, the person shall make a good faith effort to contract  
15 with the technical college district board of the technical college district in which the  
16 facilities are to be constructed or the professional services are to be performed to  
17 develop appropriate training programs designed to increase the pool of minority  
18 group members and women who are qualified to perform the construction work or  
19 professional services."

20 6. Page 8, line 7: after that line insert:

21 "SECTION 25g. 560.036 (2) (a) of the statutes is amended to read:

22 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87  
23 (2), 18.16, 18.64, 18.77, 25.185, 42.09 (3), 66.911, 119.495 (2), 231.27 and 234.35, the  
24 department shall establish and periodically update a list of certified minority



1 businesses, minority financial advisers and minority investment firms. Any  
2 business, financial adviser or investment firm may apply to the department for  
3 certification. For purposes of this paragraph, unless the context otherwise requires,  
4 a "business" includes a financial adviser or investment firm.

5 **SECTION 25r.** 560.036 (2) (d) 1. b. of the statutes is amended to read:

6 560.036 (2) (d) 1. b. The department determines that, with respect to a specified  
7 type of supply, material, equipment or service, there are not enough certified  
8 minority business suppliers in this state to enable this state to achieve compliance  
9 with ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87 (2) ~~and~~, 25.185 and 42.09 (3)."

10 **7.** Page 9, line 9: after that line insert:

11 **"SECTION 26m. Initial applicability.**

12 (1q) The treatment of sections 13.48 (29), 16.75 (3m) (c) 4. and 5., 16.855 (10m)  
13 (a) and (c), (10n) and (22), 16.87 (2), 42.09 (3) (b) to <sup>d</sup>(~~g~~) and 560.036 (2) (a) and (d) 1.  
14 b. of the statutes first applies with respect to contracts for which bids or competitive  
15 sealed proposals are solicited on the effective date of this subsection."

16 (END)



*(DNOTE)*  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa1929/34  
JTK:cjs:jf

*Amended HV 3/23-10Am*

**SENATE AMENDMENT,  
TO 1999 ASSEMBLY BILL 796**

1           At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3           ~~1.~~ Page 3, line 5: after that line insert:

4           "SECTION 4m. 13.48 (29) of the statutes is amended to read:

5           13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m)  
6 and (10n), the building commission may prescribe simplified policies and procedures  
7 to be used in lieu of the procedures provided in s. 16.855 for any project the estimated  
8 construction cost of which does not exceed \$100,000."

9           ~~2.~~ Page 4, line 24: before that line insert:

10           "SECTION 10s. 16.75 (3m) (c) 4. and 5. of the statutes are amended to read:

11           16.75 (3m) (c) 4. The department shall annually prepare and submit a report  
12 to the governor and to the chief clerk of each house of the legislature, for distribution  
13 to the appropriate standing committees under s. 13.172 (3), on the total amount of

1 money paid to and of indebtedness or other obligations underwritten by minority  
2 businesses, minority financial advisers and minority investment firms under the  
3 requirements of this subsection and ss. 16.855 (10m) and (10n), 16.87 (2), 25.185,  
4 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance  
5 with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185, ~~42.09 (3)~~ and 84.075  
6 (1).

7 5. In determining whether a purchase, contract or subcontract complies with  
8 the goal established under par. (b) or s. 16.855 (10m) and (10n), 16.87 (2) ~~or~~ 25.185  
9 ~~or 42.09 (3)~~ the department shall include only amounts paid to minority businesses,  
10 minority financial advisers and minority investment firms certified by the  
11 department of commerce under s. 560.036 (2).".

12 ~~3.~~ Page 5, line 24: after that line insert:

13 "SECTION 13d. 16.855 (10m) (a) and (c) of the statutes are amended to read:

14 16.855 (10m) (a) ~~In~~ Except as provided in sub. (10n), in awarding construction  
15 contracts the department shall attempt to ensure that 5% of the total amount  
16 expended in each fiscal year is awarded to contractors and subcontractors which are  
17 minority businesses, as defined under s. 16.75 (3m) (a). The department may award  
18 any contract to a minority business that submits a qualified responsible bid that is  
19 no more than 5% higher than the apparent low bid.

20 (c) The department shall maintain and annually publish data on contracts  
21 awarded to minority businesses under this subsection and sub. (10n) and ss. 16.87  
22 and 42.09 (3) and 84.075.

23 SECTION 13h. 16.855 (10n) of the statutes is created to read:

24 16.855 (10n) (a) In this subsection:

restore  
w/o:  
remove it  
under sec  
comm

restore

- 1           1. "Minority business" has the meaning given in s. 560.036 (1) (e).  
2           2. "Minority group member" has the meaning given in s. 560.036 (1) (f).  
3           3. "Women's business" means a sole proprietorship, partnership, joint venture  
4 or corporation that is at least 51% owned, controlled and actively managed by  
5 women.

6           (b) The department shall <sup>enter into a memorandum of understanding with the</sup> ~~ensure that~~ for construction work and professional <sup>state</sup> fair  
7 services contracts to be performed for the state fair park board <sup>under which any</sup> person who is <sup>park</sup> awarded such a contract shall agree, as a condition to receiving the contract, that his <sup>board</sup> ~~shall~~  
8 or her goal shall be to ensure that at least 25% of the employees hired because of the <sup>which</sup> contract will be minority group members and at least 5% of the employees hired <sup>speci</sup>  
9 because of the contract will be women. <sup>proced</sup>

10           (c) It shall be a goal of the department <sup>in coordination with the state</sup> to ensure that at least 25% of the <sup>fair</sup> aggregate dollar value of contracts awarded by the department in the following areas <sup>park</sup>  
11 shall be awarded to minority businesses and at least 5% of the aggregate dollar value <sup>board</sup>  
12 of contracts awarded by the department in the following areas shall be awarded to  
13 women's businesses:

- 14           1. Contracts for the construction of state fair park facilities.  
15           2. Contracts for professional services related to the construction of state fair  
16 park facilities.  
17           3. Contracts for the development of state fair park facilities.

18           (d) It shall be a goal of the department <sup>in coordination with the state fair</sup> with regard to each of the contracts <sup>per</sup>  
19 described under par. (c) 1. to 3., to award at least 25% of the dollar value of such <sup>board</sup>  
20 contracts to minority businesses and at least 5% of the dollar value of such contracts  
21 to women's businesses.  
22  
23  
24

*Pursuant to the memorandum of understanding under*  
1 (e) 1. ~~the~~ department shall hire an independent person to monitor the *Par. (b) the*  
2 compliance of the department and state fair park board with minority contracting  
3 goals under pars. (b) to (d) ~~and a 1200101~~. The person hired shall have previous  
4 experience working with minority group members. The ~~department shall provide~~ *memorandum of understanding*  
5 *shall include* a mechanism ~~to receive~~ *for receiving* regular reports from the person hired with respect to the  
6 results of the person's studies of compliance with minority contracting goals.

7 2. If the department or a contractor is unable to meet the goals under par. (b),  
8 (c) or (d), the person hired under subd. 1. shall assess whether the department or  
9 contractor made a good faith effort to reach the goals. In determining whether a good  
10 faith effort was made to meet the goals, the person hired shall consider all of the  
11 following:

12 a. The supply of eligible minority businesses and women's businesses that have  
13 the financial capacity, technical capacity and previous experience in the areas in  
14 which contracts were awarded.

15 b. The competing demands for the services provided by eligible minority  
16 businesses and women's businesses, as described in subd. 2. a., in areas in which  
17 contracts were awarded.

18 c. The extent to which the department or contractors advertised for and  
19 aggressively solicited bids from eligible minority businesses and women's  
20 businesses, as described in subd. 2. a., and the extent to which eligible minority  
21 businesses and women's businesses submitted bids.

22 **SECTION 13p.** 16.855 (22) of the statutes is amended to read:

23 16.855 (22) The provisions of this section, except sub. subs. (10m) and (10n),  
24 do not apply to construction work for any project the estimated construction cost of  
25 which does not exceed \$100,000 if the project is constructed in accordance with

1 policies and procedures prescribed by the building commission under s. 13.48 (29).  
2 If the estimated construction cost of any project is at least \$30,000, and the building  
3 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct  
4 the project, the department shall provide adequate public notice of the project and  
5 the procedures to be utilized to construct the project on a publicly accessible  
6 computer site.

7 **SECTION 13t.** 16.87 (2) of the statutes is amended to read:

8 16.87 (2) A contract for engineering services or architectural services or a  
9 contract involving an expenditure of \$2,500 or more for construction work, or \$20,000  
10 or more for limited trades work, to be done for or furnished to the state or a  
11 department, board, commission or officer of the state is exempt from the  
12 requirements of ss. 16.705 and 16.75. The Except as provided in s. 16.855 (10n), the  
13 department shall attempt to ensure that 5% of the total amount expended under this  
14 section for these purposes in each fiscal year is paid to minority businesses, as  
15 defined under s. 16.75 (3m) (a)."

16 ~~A.~~ Page 7, line 17: after "(3)" insert "(a)".

17 ~~B.~~ Page 7, line 19: after that line insert:

18 (b) The board shall develop policies <sup>encouraging</sup> requiring each private person entering  
19 into an agreement with the board under this subsection to agree that his or her goal  
20 shall be to ensure that at least 25% of the employees hired to perform construction  
21 work in connection with state fair park facilities or to perform professional services  
22 in connection with the construction or development of those facilities will be minority  
23 group members, as defined in s. 560.036 (1) (f), and that at least 5% of the employees  
24 hired to perform construction work in connection with state fair park facilities or to

1 perform professional services in connection with the construction or development of  
2 those facilities will be women.

3 (c) It shall be a goal of the board to ensure that at least 25% of the aggregate  
4 dollar value of contracts awarded by private persons entering into agreements with  
5 the board under this subsection in the following areas shall be awarded to minority  
6 businesses, as defined in s. 560.036 (1) (e), and at least 5% of the aggregate dollar  
7 value of contracts awarded by private persons entering into agreements with the  
8 board under this subsection in the following areas shall be awarded to women's  
9 businesses, as defined in s. 16.855 (10n) (a):

10 1. Contracts for the construction of state fair park facilities.

11 2. Contracts for professional services related to the construction of state fair  
12 park facilities.

13 3. Contracts for the development of state fair park facilities.

14 (d) It shall be a goal of the board, with regard to each of the contracts described  
15 under par. (c) 1. to 3., to ensure that at least 25% of the dollar value of such contracts  
16 are awarded by private persons entering into agreements with the board under this  
17 subsection to minority businesses, as defined in s. 560.036 (1) (e), and at least 5% of  
18 the dollar value of such contracts are awarded by private persons entering into  
19 agreements with the board under this subsection to women's businesses, as defined  
20 in s. 16.855 (10n) (a).".

21 ~~6.~~ Page 8, line 7: after that line insert:  
22

23 "SECTION 25g. 560.036 (2) (a) of the statutes is amended to read:

24 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87  
(2), 18.16, 18.64, 18.77, 25.185, 42.09 (3), 66.911, 119.495 (2), 231.27 and 234.35, the

1 department shall establish and periodically update a list of certified minority  
2 businesses, minority financial advisers and minority investment firms. Any  
3 business, financial adviser or investment firm may apply to the department for  
4 certification. For purposes of this paragraph, unless the context otherwise requires,  
5 a "business" includes a financial adviser or investment firm.

6 **SECTION 25r.** 560.036 (2) (d) 1. b. of the statutes is amended to read:

7 560.036 (2) (d) 1. b. The department determines that, with respect to a specified  
8 type of supply, material, equipment or service, there are not enough certified  
9 minority business suppliers in this state to enable this state to achieve compliance  
10 with ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87 (2) and, 25.185 and 42.09 (3).".

11 ~~1.~~ Page 9, line 9: after that line insert:

12 **"SECTION 26m. Initial applicability.**

13 (1q) The treatment of sections 13.48 (29), 16.75 (3m) (c) 4. and 5., 16.855 (10m)  
14 (a) and (c), (10n) and (22), 16.87 (2), 42.09 (3) (b) to (d) and 560.036 (2) (a) and (d) 1.  
15 b. of the statutes first applies with respect to contracts for which bids or competitive  
16 sealed proposals are solicited on the effective date of this subsection.".

17 (END)



②  
(1)

FWS 6-20

#. Page 7, line 24: delete "The" and substitute  
"Except as provided in sub. (2), the".

#. Page 8, line 2: after that line insert:

②  
" (2) The state fair park board shall enter into a memorandum of understanding with the department of administration with respect to oversight of the contracting procedures under s. 16.855 (10n)." .

TEXT: TREAT

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1929/4dn

JTK...  
CJS

Senator George:

The references to s. 42.09 (3), stats. in s. 560.035 (2) (a) and (d) 1.b., stats. under which the department of commerce identifies minority businesses or the unavailability of minority businesses are retained in this draft because this seemed to me to be a fact-finding function that involves some effort, and it would not be productive to have the state fair park board attempt to duplicate that effort.

Please let me know if this is not in accord with your intent.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1929/4dn

JTK:cjs:jf

March 23, 2000

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